



REMARKS

As a preliminary matter, the undersigned attorney wishes to thank the Examiner for engaging in a personal interview on 5 April 2006. During the interview, proposed amendments to claims 12 and 48 were discussed in light of U.S. Publication No. 2003/0038035 (Wilson), U.S. Patent No. 6,391,166 (Wang), U.S. Patent No. 5,883,762 (Calhoun), and U.S. Patent No. 6,527,920 (Mayer). More specifically, the Examiner agreed that no combination of Wang and Calhoun could be made because using an impermeable ion-exchange membrane as taught by Calhoun would destroy the operation of Wang in using the liquid flow to affect electroplating on a substrate. The Examiner also agreed that Mayer fails to teach an ion-exchange membrane or material that is non-porous (i.e., substantially impermeable to the fluid flow). Based on the discussions during the interview, agreement was reached that the foregoing amendments to claim 48 would overcome the rejection based on Wang and not be subject to a rejection based upon Wang, Calhoun and/or Mayer. As such, the applicants request that this paper also constitute the applicants' Interview Summary.

In the Office Action dated 21 November 2005, all of the pending claims were rejected. More specifically, the status of the claims set forth in the pending Office Action is as follows:

- (A) Claims 2-16, 22-51, 54-56, 65-69, 75-86, 91 and 92 were rejected under 35 U.S.C. § 102(e) over Wilson.
- (B) Claims 5-7, 12-14, 16, 47, 48-51, 55, 56 and 91 were rejected under 35 U.S.C. § 102(e) over Wang.
- (C) Claims 2-4 were rejected under 35 U.S.C. § 103 over the combination of Wang and U.S. Patent No. 6,471,913 (Weaver).

(D) Claims 8-11, 22, 25-31 and 33 were rejected under 35 U.S.C. § 103 over the combination of Wang and U.S. Publication No. 2001/0032788 (Woodruff).

(E) Claims 23, 24, 33-44 and 46 were rejected under 35 U.S.C. § 103 over the combination of Wang, Woodruff and Weaver.

(F) Claims 65-67, 69 and 86 were rejected under 35 U.S.C. § 103 over the combination of Wang and U.S. Patent No. 5,700,127 (Harada).

(G) Claims 75, 78-82 and 84 were rejected under 35 U.S.C. § 103 over the combination of Wang, Woodruff and Harada.

(H) Claims 76, 77 and 85 were rejected under 35 U.S.C. § 103 over the combination of Wang, Woodruff, Harada and Weaver.

A. Response to Section 102 Rejection – Wilson

Claims 2-16, 22-51, 54-56, 65-69, 75-86, 91 and 92 were rejected under 35 U.S.C. § 102 over Wilson, which is owned by the same assignee as the present application. The priority claim of the present application has been amended to claim priority to Wilson as a continuation-in-part, and a petition under 37 C.F.R. § 1.78(a)(3) with the surcharge under 37 C.F.R. § 1.17(t) is submitted herewith. As such, the claims rejected over Wilson under Section 102 are entitled to the filing date of Wilson. The applicants, therefore, respectively submit that the present rejection over Wilson under Section 102 should be withdrawn.

B. Response to Section 102 Rejection – Wang

Claims 5-7, 12-14, 16, 47, 48-51, 55, 56 and 91 were rejected under 35 U.S.C. § 102 over Wang. Claims 16, 47 and 91 have been cancelled in this paper, and thus only claims 5-7, 12-14, 48-51, 55 and 56 are subject to this rejection. As agreed upon in the 5 April 2006 interview, the foregoing amendments to claim 48 overcome the rejection over Wang. Claim 12 has been amended to include the subject matter of previously pending claim 15 which was not rejected over Wang, and the amendments to claim 12 are

analogous to the amendments to claim 48. As such, claims 12 and 48 are patentable over Wang.

Claims 5-7, 13 and 14 depend from claim 12, and claims 49-51, 55 and 56 depend from claim 48. As a result, the dependent claims subject to this rejection are patentable over Wang as depending from a patentable independent claim and also because of the additional features set forth in these claims. Therefore, the applicants respectfully request withdrawal of the rejection of claims 5-7, 12-14, 48-51, 55 and 56 over Wang.

C. Response to Section 103 Rejection – Wang and Weaver

Claims 2-4 were rejected under 35 U.S.C. § 103 over the combination of Wang and Weaver. Claims 2-4 depend from claim 12, which has been amended in this paper to include subject matter analogous to claim 48. Therefore, in accordance with the agreement reached in the 5 April 2006 interview, the applicants respectfully request withdrawal of the rejection of claims 2-4 over the combination of Wang and Weaver.

D. Response to Section 103 Rejection – Wang and Woodruff

Claims 8-11, 22, 25-31 and 33 were rejected under 35 U.S.C. § 103 over the combination of Wang and Woodruff. Claims 30, 31, and 33 have been cancelled from the application, and thus this rejection is limited to claims 8-11, 22 and 25-29. Claim 22 has been amended to include subject matter analogous to the subject matter in amended claim 48. As such, claims 22 and 25-29 are patentable over Wang for the reasons supporting the agreement reached in the 5 April 2006 interview. Additionally, Woodruff qualifies as prior art only under Section 102(e), and the subject matter of the claimed invention and Woodruff were both owed by Semitool or subject to an obligation of assignment to Semitool at the time the claimed invention was made. Therefore, under 35 U.S.C. § 103(c), Woodruff cannot be combined with Wang to reject the claims of the present application. In light of the foregoing, the applicants respectfully request withdrawal of the rejection of claims 8-11, 22 and 25-29 over the combination of Wang and Woodruff.

E. Response to Section 103 Rejection – Wang, Woodruff and Weaver

Claims 23, 24, 33-44 and 46 were rejected under 35 U.S.C. § 103. Claims 34-44 and 46 have been cancelled from this application, and thus only claims 23 and 24 are subject to this rejection. Claims 23 and 24 are patentable over Wang as depending from independent claim 22. Additionally, claims 23 and 24 are entitled to the benefit of 35 U.S.C. § 103(c) for the reasons explained above with respect to the rejection based on Wang and Woodruff alone. Therefore, the applicants respectfully request withdrawal of the rejection of claims 23 and 24 over the combination of Wang, Woodruff and Weaver.

F. Response to Section 103 Rejection – Wang and Harada

Claims 65-67, 69 and 86 were rejected under 35 U.S.C. § 103 over the combination of Wang and Harada. Claims 66, 67-69 and 86 have been cancelled from this application, and thus only claim 65 is subject to this rejection. Claim 65 has been amended to include subject matter corresponding to the ion-membrane in amended claim 48. In accordance with the agreement reached during the 5 April 2006 interview, claim 65 is patentable over Wang. Additionally, Harada fails to disclose or suggest an ion-membrane. Therefore, claim 65 is patentable over the combination of Wang and Harada. The applicants respectfully request withdrawal of the rejection of claim 65 over the combination of Wang and Harada.

G. Response to Section 103 Rejection – Wang, Woodruff and Harada

Claims 75, 78-82 and 84 were rejected under 35 U.S.C. § 103 over the combination of Wang, Woodruff and Harada. The claims subject to this rejection have been cancelled from the application, and thus this rejection is now moot.


H. Response to Section 103 Rejection – Wang, Woodruff, Harada and Weaver

Claims 76, 77 and 85 were rejected under 35 U.S.C. § 103 over the combination of Wang, Woodruff, Harada and Weaver. These claims have been cancelled from the present application, and thus this rejection is also moot.

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the cited art. The applicants request reconsideration of the application and respectfully submit that the pending claims are in condition for allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call undersigned representative at (206) 359-3258.

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Respectfully submitted,

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